

REMARKS

The Applicants wish to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated May 9, 2005 has been received and carefully reviewed. Claims 1, 2, 4-7, and 10 have been amended. Claims 3, 8, 9, and 11-21 have been canceled. Claims 11-21 have been withdrawn. Claims 1, 2, 4-7, and 10 are currently pending. Reexamination and reconsideration are respectfully requested.

The Office Action rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art (hereinafter “*APA*”) in view of U.S. Patent No. 5,126,536 to *Devlin* (hereinafter “*Devlin*”) and further in view of U.S. Patent No. 5,802,957 to *Wanat et al.* (hereinafter “*Wanat*”) or U.S. Patent No. 6,123,012 to *Hardin et al.* (hereinafter “*Hardin*”). Claims 3, 8, and 9 have been canceled, thereby rendering the rejection of these claims moot. The Applicants respectfully traverse the rejection of the remaining claims.

As required in Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” The Applicants respectfully submit that neither the *APA*, *Devlin*, *Wanat* nor *Hardin*, either singularly or in combination, disclose or suggest each and every element recited in claims 1, 2, 4-7 and 10. In particular, claim 1 has been amended to recite a combined toaster and a microwave oven having a microcomputer which is “configured to control toasting time by combining a first, a second and a third time period, wherein the first time period corresponds with the toaster function, wherein the second time period corresponds with the temperature inside the toaster, and the third time period corresponds with the voltage level.” The Applicants submit that none of the references, either singularly or in combination, disclose or suggest a microcomputer having the configuration as recited in claim 1. As correctly pointed out in the Office Action, the *APA* does not disclose “controlling the time of toasting according to the inside

temperature of the toaster chamber.” *See e.g.*, the Office Action at page 2. Regarding *Devlin* specifically, *Devlin* does generally disclose circuitry which controls the toasting of food products, *Devlin* does not however disclose circuitry specifically configured as is the microcomputer recited in claim 1. *See e.g.*, col. 6, ll. 27-42. Similarly, neither of the other cited references overcome the shortcomings of *Devlin*. Accordingly, the Applicants submit that claim 1, as are claims 2 and 4, which depend from claim 1, is patentable over the cited references and request that the rejection be withdrawn.

Claim 5 recites setting the toasting time based, on other things, the inside temperature of the toaster. As discussed above, the *APA* does not disclose controlling the toasting time according to the inside temperature of the toasting chamber. Likewise, as discussed above, neither of the other cited references disclose or suggest, either singularly or in combination, this feature. Therefore, the Applicants submit that claim 5, as are claims 6, 7, and 10, which depend from claim 5, is patentable over the cited references and requests that the rejection be withdrawn.

Entry of the present amendments is respectfully requested. Submitted herewith is a Petition Under 37 CFR 1.181 to Withdraw Premature Final Rejection. As explained in the Petition, it is respectfully submitted that the final rejection in the Office Action dated May 9, 2005 could not have been necessitated by the Applicants’ amendments in the Amendment dated February 15, 2005. As such, the final rejection was premature and should be withdrawn.

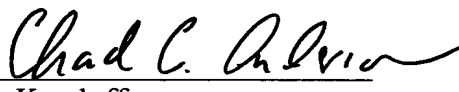
The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant’s representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated:

Respectfully submitted,

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